

In-Class Writing Assignment

Search and Seizure

Jimmy, who is 17 years old, was talking to some friends on a street corner when a police car turned onto the street. Jimmy and his friends exchanged some unknown items and quickly hid them in their pockets when they saw the police car. Chief Wiggims pulled over and approached Jimmy. The following conversation ensued:

Chief: Do you have any weapons?

Jimmy: No.

Chief: Will you please empty your pockets onto the hood of my car?

Jimmy: I don't know. Do I have to?

Chief: Please empty your pockets.

Jimmy decided to empty his pockets and placed a bag containing crack cocaine on the hood. Chief Wiggims then placed Jimmy under arrest and read him his rights.

Question #1 Did the Chief have probable cause to conduct a search?

Question #2 Was this a lawful search? Why or why not?

Question #3 Would your answer be different if the encounter were in a public school and not on the street? Why or why not?